

Atty Docket No.: R0142B-REG  
USSN: 10/663,335

### REMARKS

Claims 1-27 are pending in the above-identified patent application. Claims 1, 6, 8, 11, 12 and 21 are amended herein. Claims 22 and 24-27 are withdrawn. No new matter is introduced.

#### I. Restriction

The Examiner required restriction to one of the following groups:

- I. Compounds wherein R<sup>1</sup> is aryl, class 548, subclass 100+;
- II. Compounds wherein R<sup>1</sup> is heteroaryl, class 548, subclass various;
- III. Method of producing compounds wherein R<sup>1</sup> is aryl, class 548;
- IV. Method of producing compounds wherein R<sup>1</sup> is heteroaryl, class 548;
- V. Method of treatment using compounds wherein R<sup>1</sup> is aryl, class 514; and
- VI. Method of treatment using compounds wherein R<sup>1</sup> is heteroaryl, class 514.

Applicants elect group I, with partial traverse. Claims 1, 6, 8, 11 and 12 have been amended to delete non-elected subject matter. Claim 21 has been amended make it dependent on base claim 1 for purposes of possible rejoinder as discussed below.

Applicants do not traverse the restriction of aryl and heteroaryl with respect to R<sup>1</sup>. Traverse is made to the Examiner's omission of the possibility of rejoinder of certain claims in accordance with MPEP §821.04, which provides that rejoinder of method claims with product claims of commensurate scope may occur upon allowance of the product claim. Applicants respectfully believe that the Group V (R<sup>1</sup> is aryl) method of treatment claims should have the possibility of rejoinder with the Group I (R<sup>1</sup> is aryl) product claims if base product claim 1 is found allowable. Similarly, Applicants believe that Group VI (R<sup>1</sup> is heteroaryl) method of treatment claims should ultimately have the possibility of rejoinder with the Group II (R<sup>1</sup> is heteroaryl) product claim if the base product claim is found allowable.

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Applicants have amended claim 21, directed to a method of producing compounds, to change it from independent form to dependency from base product claim I. Applicants again believe that claims for Group III ( $R^1$  is aryl) method of producing claims should have the possibility of rejoinder with the Group I ( $R^1$  is aryl) in the event that the base compound claim of Group I is allowed, and similarly that rejoinder should be possible for Group IV and Group II.

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**CONCLUSION**

No fees are believed due, but if any fees are believed due, please charge the same to Deposit Account No. 18-1700./

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-354-7540.

Respectfully submitted,



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January 18, 2006